

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-99-0433 WBS GGH

vs.

SON VAN NGUYEN,

Movant.

ORDER

By order filed on June 1, 2010, respondent was directed to file an answer within thirty days, along with all relevant transcripts or other documentation, in response to the 28 U.S.C. § 2255 motion to vacate, set aside or correct his sentence filed on April 12, 2010, by movant, a federal prisoner proceeding pro se. Although the time for filing an answer has expired with none forthcoming, at this time, respondent is relieved of the obligation to file an answer.

Movant has requested, as of August 19, 2010 ((docket # 1504), appointment of counsel and he asks that Krista Hart be appointed to represent him on his § 2255 motion. It appearing that appointment of counsel for movant may be appropriate, IT IS HEREBY ORDERED that:

1. The order, filed on June 1, 2010 (docket # 1435), is hereby vacated;
2. Movant's motions for leave to supplement his § 2255 motion, filed on August

1 19, 2010 (docket # 1502), and to conduct discovery, filed on August 19, 2010 (docket # 1503),
2 are vacated without prejudice to being re-filed once counsel has been appointed;

3 3. The clerk shall copy the contents of this file and forward it to the Federal
4 Defender;

5 4. The Federal Defender shall advise whether movant qualifies for appointment
6 of counsel and shall recommend counsel to the court; thereafter,

7 5. A briefing schedule will be re-set in this matter.

8 DATED: August 25, 2010

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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